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1 covering him? There was none.

2 You look at the pictures. After the
3 stabbing, she is laying on the ground. The blood is
4 pooled out in the yard. That's where the majority of
5 the blood is in this case. Admittedly, there should be
6 some blood on the knife, on the person's hands. There
7 should be at least some blood on the clothing. But
8 there is no evidence in this case to support any
9 proposition that the defense is trying to offer you
10 that a person should be soaked in blood.

11 As to the cut-up jeans, they were in custody
12 of Deborah Angelini. There is no evidence, as implied
13 by the defense, that, you know, "Maybe they are tested
14 and there was no blood on them." There is no evidence
15 that the jeans were even tested by the F.B.I.

16 The State took those jeans out and spread
17 them before you with a rubber glove, yes, and you will
18 most likely be given rubber gloves to look at any and
19 all of the evidence that you want to look at. You take
20 them out and you look at those jeans for yourself, and
21 you ask what those jeans tell you.

22 But the most important clothing is the piece
23 of clothing that was absolutely taken off of his person

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1 by the police and that we know now, by the defendant's
2 own admission on the stand, he was wearing when this
3 happened, and it has Sherri Hassett's blood on it.

4 Mr. Barnett talks about the flight
5 instruction. You have, in fact, been given a flight
6 instruction by the Judge, saying that it is the State's
7 allegation that the defendant fled from the scene of
8 the crime and you can consider flight as a conscious-
9 ness of guilt.

10 Mr. Barnett tries to say, "Well, look at
11 Jason." Well, ask yourselves this, ladies and
12 gentlemen. Isn't there a big difference between
13 running home and sleeping in your own bed that night
14 and what the defendant did by taking a car, fleeing out
15 of the county, stating to his mother, according to
16 Deborah Angelini's statement on that tape that you can
17 listen to as many times as you want to, "I am going to
18 go to Mexico. I am not going to jail for something I
19 didn't do"?

20 You listen to that tape. She says he said,
21 "I am not going to jail for this." There is a big
22 difference, when you talk about flight, between the
23 defendant and Jason Coggin.

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EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

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1 Another point that Mr. Barnett tries to make
2 to you is, "What sense would it make for the defendant
3 to cut the phone line and then tell his father not to
4 call until 7:00 a.m." to give him that much chance to
5 run away from this thing? What sense would that make
6 if he knows he already cut the phone line?

7 Well, from the evidence in this case, if you
8 just apply your common sense and look at what happened,
9 it makes a lot of sense, because you know that that
10 wasn't the only phone in the neighborhood. In fact,
11 despite the phone line being cut, George did make a
12 call before 7:00 a.m. He made a call to 911 at 1:14
13 and fifty seconds in the morning.

14 So even though you have one base covered by
15 cutting a phone line, you know that there are other
16 phones in the neighborhood. Doesn't it make sense to
17 say, "Don't call. Don't call"? There is nothing
18 illogical or inconsistent about that conduct, combined
19 with that statement to his father, George.

20 Mr. Barnett, on another topic, says that
21 George can't have it both ways. Sometimes George says
22 Willie and Jason. Sometimes he says "they". Well, he
23 (indicating) can't have it both ways. That's for sure.

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1 If his defense is, "We both did it," that is no defense
2 to him. Regardless of the extent of what you
3 ultimately decide Jason's involvement was, that is no
4 defense to him if Jason was more involved.

5 But the evidence we are going to go over here
6 will show that Jason was not more involved. He was at
7 the wrong place at the wrong time with the wrong
8 person. But that is no defense to the defendant. It
9 is no defense, if you listen to that tape, that Deborah
10 Angelini says that he said, "Jason did it, too." That
11 is no defense to Robert Hassett, 3rd.

12 Mr. Barnett goes to another topic. He talks
13 about other impressions or partial impressions of
14 footwear on the tile, and we don't know what that was.
15 Well, we know it wasn't blood, but we know it is other
16 footwear impressions and we don't know whose they are.

17 What is so important about that? This is the
18 defendant's apartment. If the State had the
19 defendant's footwear impression or one that
20 corresponded in design and approximate size to the
21 defendant's footwear on that tile floor, it would mean
22 nothing. He lives there. If we had Jason's, he is a
23 visitor there. It means nothing.

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EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

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1 What is important is this footwear
2 impression, which the expert described as matching in
3 design and size to the First Down right boot that the
4 defendant had on his feet and he admitted he had on his
5 feet when he took the stand, is in what the F.B.I. has
6 determined to be Sherri Hassett's blood. There should
7 be lots of footwear impressions in that house, but what
8 is important about that piece is it is in the blood of
9 Sherri Hassett. That is why that is important, and
10 that is why these other impressions that he wants to
11 talk about are not important.

12 Mr. Barnett starts talking briefly about the
13 defendant's testimony and saying to you, "Well, he said
14 he was upset, and when you are upset, you can't
15 explain, you know, what you are going to do." Well,
16 the Judge has told you that when deciding what he
17 intended to do and his state of mind -- and you can
18 read these instructions -- you can look at what a
19 reasonable person would do under those circumstances.

20 Your ultimate decision is going to be what he
21 thought, but you can look at what a reasonable person
22 would do. Do you think, when you are looking at the
23 defendant's testimony, that a reasonable person would

1 sit there on the steps while the stepmother whom he
2 says he loves is getting stabbed over twenty times and
3 not lift a finger? Because he is upset or in shock, do
4 you think that a reasonable person, when asked to help
5 pull this knife out of his loved one's chest, that he
6 would go about the task of helping to pull the knife
7 out of the chest?

8 MR. BARNETT: Objection, Your Honor. That is
9 beyond the scope of my cross.

10 THE COURT: I will see counsel at sidebar.

11 (Whereupon, counsel approached the bench
12 and the following proceedings were had:)

13 THE COURT: Yes? Your comment was --

14 MR. ADKINS: I am about to list maybe seven
15 or eight things that he said he did.

16 THE COURT: "He" being?

17 MR. ADKINS: The defendant. That he said he
18 did. I am going to ask the jury to measure that as to
19 whether a reasonable person would do that. It is in
20 rebuttal to Mr. Barnett's comment.

21 He said something to the effect, "I am not
22 going to go over the defendant's entire testimony, but
23 look at the testimony of the defendant, and he told you

1 that he was upset. You don't know what you are going
2 to do when you are upset." I am saying, "Well, are you
3 going to do this? Are you going to do this?"

4 THE COURT: You also said in your argument to
5 the jury to have a comparison of the testimony between
6 Jason and your client, as well.

7 MR. BARNETT: I understand that.

8 THE COURT: You also touched upon what the
9 defendant claimed was his version of what happened that
10 night. So why is it that the prosecution can't, in
11 rebuttal, go through these points?

12 MR. BARNETT: I think they can do that on
13 direct, but I think in rebuttal -- I referred to one
14 statement, "You don't know what you do when you are
15 upset." If the State is going to go through every
16 single thing he said on his testimony that I did not
17 bring up, then I think that is beyond the scope of
18 cross.

19 THE COURT: You mean your statements? Beyond
20 the scope of your argument?

21 MR. BARNETT: Yes, beyond the scope of my
22 argument to the jury. If the Court is going to let him
23 do that, he can go through my client's entire testimony

1 based on that, and I don't think he can.

2 I specifically limited it to that one quote,
3 and I asked them to compare my client's testimony and
4 Jason's. That is not rebuttal. He is not comparing my
5 client's testimony to Jason's.

6 MR. ADKINS: If he didn't bring up the
7 defendant's testimony, then I am stuck on the rebuttal.
8 But when he brought up the defendant's testimony, I
9 should be -- especially when he says that he said,
10 "When you are upset, you don't know what you are going
11 to do," and I am trying to point out, "You are not
12 going to do this," and "You are not going to do this,
13 are you, by the fact that you are upset?"

14 THE COURT: You brought this into the picture
15 by talking about this in your statement to the jury,
16 Mr. Barnett, so I will allow the prosecution to do
17 that.

18 While you are up here, when the State is
19 done, I am going to give an instruction to the effect
20 that, "Of course, the defendant, who was a witness in
21 this case, was here and heard the testimony of other
22 witnesses, but he has every right to be here, too. You
23 should take everything into consideration in deter-

1 mining credibility, but there is nothing untoward about
2 the defendant's being present when other witnesses are
3 testifying."

4 MR. ADKINS: I didn't mean to imply there
5 was. It is just a fact.

6 THE COURT: I will do it out of an abundance
7 of caution. I could do it at the close of the
8 arguments, or I can do it now, if Mr. Barnett wants me
9 to. There was no objection.

10 MR. BARNETT: I understand there was no
11 objection. I was going to object at the end. The
12 implication is that my defendant is lying. Since we
13 are here, I didn't object at that point, but --

14 MR. ADKINS: I didn't say he was lying. I
15 think we have a Supreme Court decision that says that
16 that is fair game.

17 THE COURT: We will put it right on the
18 record. The Supreme Court case is Agard. The Supreme
19 Court case was decided March 6th, 2000. For purposes
20 of the United States Supreme Court and how it views
21 arguments of this nature, it was found not to be a
22 constitutional violation for a comment to be made on
23 the testimony by defendants who take the stand at the

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EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

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1 end after having heard everything in advance.

2 However, the Supreme Court made it plain
3 that, as a matter of trial practice, trial judges may
4 view it differently in terms of issuing cautionary
5 instructions. There was a cautionary instruction
6 suggested in Footnote No. 5 of the opinion, from which
7 I am taking this language.

8 So it is just out of an abundance of caution
9 for trial practice that I am doing this. So I will do
10 that now since everybody is up here. Then I will allow
11 Mr. Adkins to concisely conclude his rebuttal, as he
12 promised the jury, so we can move on.

13 Your objection is noted and overruled. I
14 think it is fair game for what has been presented to
15 the jury.

16 (Whereupon, counsel returned to the trial
17 table and the following proceedings were had:)

18 THE COURT: Before we proceed with the
19 continuation of the argument, concerning an earlier
20 portion of the rebuttal argument on the subject of the
21 defendant's testifying and having been present in court
22 and having heard some of the preceding evidence, I am
23 instructing you as follows:

1 Of course, the defendant, who was a witness
2 in this case, was here during the testimony of other
3 witnesses, but he has every right to be here, too. You
4 should take everything into consideration in deter-
5 mining credibility, but there is nothing untoward about
6 the defendant's being present when other witnesses are
7 testifying.

8 MR. ADKINS: As I was saying, ladies and
9 gentlemen, you are entitled to ask yourselves, on the
10 basis of this evidence, whether it was reasonable for
11 him to sit there on that step when he is saying he is
12 seeing a loved one of his getting stabbed that many
13 times and not lift a finger to do anything about it.

14 You may ask whether it is reasonable for him
15 to then get over top of her and help pull a knife out
16 of her chest. Is it reasonable for him to then go
17 along with taking the body into his apartment? Is it
18 reasonable what he is talking about in his testimony,
19 that Mr. Barnett mentioned to you, that he was upset?
20 Or once he gets that knife, so he says, in his
21 possession, to give it right back to the person he says
22 is the murderer? Does it add up?

23 Mr. Barnett also says, "Give the defendant

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1 some credit" basically for not committing more crimes.
2 Well, he didn't resist arrest when the police were
3 there to pick him up. He didn't refuse to submit the
4 specimens they were collecting in the face of a Court
5 Order. What kind of argument is that? Give him
6 credibility for not committing more crimes?

7 Mr. Barnett also emphasizes the burden or
8 proof of beyond a reasonable doubt. Certainly, the
9 burden of proof is beyond a reasonable doubt, and you
10 should read the instruction that the Judge has already
11 read to you when you get back in the jury deliberation
12 room.

13 That instruction says, "There are few things
14 in this world that we know with absolute certainty.
15 Therefore, in criminal cases, the law does not require
16 proof that overcomes every possible doubt. Proof
17 beyond a reasonable doubt is proof that leaves you
18 firmly convinced of the defendant's guilt. Therefore,
19 based upon your consideration of the evidence, if you
20 are firmly convinced that he is guilty, you find him
21 guilty." That is all that reasonable doubt is.

22 Mr. Barnett also briefly mentioned that in
23 this case, according to the Judge's instructions, you

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EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

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ROBERT W. HASSETT, III - CROSS

1 accused of it. He told me, you leave. I wouldn't --
2 I still thought I would get accused of it either way.

3 Q. Well, if you saw Jason do this and you didn't
4 do anything bad towards your father and you didn't do
5 it, why are you going to get accused?

6 A. Because I seen it happen.

7 Q. So witnesses who see things happen you think
8 get accused of doing it?

9 A. I have been accused of things -- I have seen
10 other things happen and I get accused. Why would it
11 be different now?

12 Q. You have sat here throughout this trial and
13 listened to every single word that every State's
14 witness has said, haven't you?

15 A. Yes.

16 Q. Have you read the transcripts of their taped
17 statements?

18 A. Yes.

19 Q. You done all that too?

20 A. Yeah.

21 Q. You reviewed the physical evidence in the
22 case, correct?

23 A. Yeah.

DAVID WASHINGTON
Official Court Reporter

[Handwritten signature]

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ROBERT W. HASSETT, III - CROSS

1 Q. All of those things?

2 A. Yes.

3 Q. Well, where did you go once you got in the
4 car?

5 A. I drove -- I was going up north to my mom's.

6 Q. Well, did you know -- did you drive up to
7 your mom's apartment there in the parking lot?

8 A. No.

9 Q. Where did you go?

10 A. I started to pass out behind the wheel. And
11 as I did, I got myself together enough to pull off on
12 the side of a back road and park the car.

13 Q. In the bushes, in trees, back by a silo?

14 A. It wasn't in the bushes and trees. I pulled
15 into a little like drive and parked it back behind the
16 little barn.

17 Q. You are talking five or ten feet off the road
18 or 50 feet?

19 A. I don't know how far it was. I don't know
20 the distance of it. I didn't get out with a tape
21 measure and mark it.

22 Q. Could you see the road from where you parked
23 the vehicle in the trees?

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SUPERIOR COURT CRIMINAL DOCKET
(as of 01/22/2003)

Page :

State of Delaware v. ROBERT W HASSETT
 State's Atty: JAMES W ADKINS , Esq.
 Defense Atty: THOMAS D BARNETT , Esq.

DOB: 09/06/1980

AKA:

No.	Event Date	Event	Judge
		DEFENSE RESPONSE	10/02/00
		(B) ALL MOTIONS (EXCLUDING FBI MATERIAL) FILED BY	03/02/01
		(C) STATUS CONFERENCE @ 9:00 A.M.	03/09/01
		(D) TWO-WEEK JURY TRIAL	05/08/01
10	07/28/2000	LETTER FROM COURT, TO THOMAS BARNETT. RE: COURT'S POLICY IS NOT TO APPOINT CO-COUNSEL.	STOKES RICHARD F.
11	07/28/2000	LETTER FROM THOMAS BARNETT, TO COURT. RE: REQUESTING APPOINTMENT OF CO-COUNSEL.	
14	08/31/2000	DISCOVERY RESPONSE AND STATE'S RECIPROCAL DISCOVERY REQUEST FILED BY JAMES ADKINS.	
15	09/05/2000	MOTION FOR DISCOVERY FILED BY DEFENDANT/SENT FILE TO CHAMBERS ON 9/6/00.	
17	09/07/2000	LETTER FROM COURT, TO DEF. RE: DEF.'S MOTION FILED ON 9/5/00 HAS BEEN FORWARDED TO MR. BARNETT FOR ANY ACTION DEEMED APPROPRIATE BY HIM.	STOKES RICHARD F.
18	09/11/2000	SUPPLEMENT TO DISCOVERY RESPONSE FILED BY AG ADKINS	
18	10/20/2000	DEFENDANT'S LETTER FILED. TO THOMAS BARNETT RE: ASKING FOR A REPLY / FORWARDED TO THOMAS BARNETT ON 10/24/00.	
19	10/25/2000	MOTION FOR DISBURSEMENT OF FUNDS FILED BY THOMAS BARNETT / MOTION AND FILE FORWARDED TO CHAMBERS ON 10/30/00.	
20	10/27/2000	DEFENDANT'S LETTER FILED. TO COURT RE: REQUESTING A COPY OF DOCKET SHEET/MAILED TO DEFENDANT ON 10/31/00.	
21	11/14/2000	LETTER FROM COURT, TO MANAGER OF FISCAL SERVICES, IN RE: TO COURT REOP REPORTER BEING PAID.	
22	11/14/2000	MOTION TO DISQUALIFY COUNSEL FILED BY DEFENDANT/FORWARDED A COPY TO ATTORNEY THOMAS BARNETT & SENT FILE TO CHAMBERS ON 11/16/00.	
24	11/14/2000	LETTER FROM DEBORAH ANGELINI TO JUDGE STOKES RE: REQUESTING NEW ATTORNEY.	

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 [Handwritten signatures and initials]

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Superior Court of Sussex County
for the State of Delaware

STATE OF DELAWARE

V.

Robert W. Hassett^{3rd}
Defendant

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*
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*

No. 500-06-0148 & 0149
I.D. #0005011315

MOTION TO DISQUALIFY COUNSEL

COMES NOW, Robert Hassett, pro-se, and move this Honorable Court for an order disqualifying the Public Defender's Office from acting as appeal counsel for defendant. This motion is made on grounds that such representation of the Public Defender would represent a conflict of interest in the following manner:

The lawyer appointed has a problem talking
with young people. And me being A young person
feels that if Mr. Barnett can not communicate
with me, He can not defend me.

Continued representation would be prejudicial, giving rise to the denial of effective assistance of counsel pursuant to 29 Del C. 4602 (2) and the Sixth Amendment of the United States Constitution.

Respectfully Submitted,

Robert W. Hassett^{3rd}

Robert W. Hassett^{3rd}

Dated: 11-12-00

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PS 56

CERTIFICATE OF SERVICE

I, Robert W. Hassett^{3rd}, hereby certify that I have served a true and correct copy of the attached motion upon the following party, on the 12 day of Nov, 2000.

** Circle the Department of Justice you are serving **

Deputy Attorney General
Department of Justice
820 North French Street
Wilmington, DE 19801

Deputy Attorney General
Department of Justice
Sykes Building
45 the Green
Dover, DE 19901

Deputy Attorney General
Department of Justice
114 East Market Street
Georgetown, DE 19947

11-12-00
Date Signed

Robert W. Hassett
Signature of Movant (Notarization not required)

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~~CONFIDENTIAL~~

4-29-01

Dear Honorable Judge Stokes,

My name is Robert William Hassett^{3rd}.
I have wrote to you before about getting a new lawyer. And now I am writing you a final time. My lawyer Mr. Thomas Barnett has violated the client-lawyer Relationship, on different accounts. For example he has violated Rule 1.3 and 1.4 (a) and (b) of the client-lawyer relationship, which pretains to diligence and duty to communicate. He has failed to give me all of the police report, and the rule 16 discloser. He has failed to discuss directives in litigation also.

Which is failure in Due Process. These things alone is reason enough for dismissal. The attorney General once said that everyone is able to have proper representation. With the actions my lawyer has shown I am not getting that proper representation. So your honor I ask a final time to re-appoint me a new lawyer. Because there is no way I can go to trial with a lawyer who is not and can not represent me properly. Thank you for your time and patience in this matter. And may the lord above be

~~Robert W. Hassett~~

~~Robert W. Hassett~~

~~Robert W. Hassett~~

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with you and your family.

Sincerely,
Robert W. Hassett^{3rd}
Robert W. Hassett^{3rd}

~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

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SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

P.O. BOX 746
COURTHOUSE
GEORGETOWN, DE 19947

April 9, 2001

Robert Hassett III
SBI# 00337363
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

RE: Def. ID# 0005011315

Dear Mr. Hassett:

As you are represented by counsel, your letter dated March 31, 2001 has been forwarded to your attorney, Mr. Barnett, for any action deemed appropriate by him.

Absent a statement by Mr. Barnett of a conflict of interest in representing you, the Court will not appoint new counsel to your case. You may, of course, discharge Mr. Barnett and obtain another attorney at your own expense.

Yours very truly,


Richard F. Stokes

kjt
xc: Prothonotary
Thomas D. H. Barnett, Esquire (w/enc.)

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~~ENCLOSURE~~

~~ENCLOSURE~~

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